



514209

March 12, 1985

Robert Leininger, Esq.
Assistant Regional Counsel
U.S. EPA - Region V
230 S. Dearborn Street
Chicago, Illinois 60604

Re: Reilly Tar & Chemical Corporation
St. Louis Park, MN

Dear Mr. Leininger:

We have received your letter of March 4, 1985, regarding the CERCLA §106 order issued to Reilly Tar & Chemical Corporation (V-W-84-011). In that letter, you raise a series of questions that, according to the letter, are to be answered within ten calendar days.

As you well know, phase 1 of the trial of the overall case in which this order was issued is scheduled to begin April 29, 1985 and will determine the remedy to be implemented.

In view of the obvious need for both Reilly and EPA personnel and contractors to prepare for that trial, Reilly may be unable to respond to your letter within the ten days allowed. We expect that EPA would be unable to review any response before trial commences. The review leading to your March 4 letter took nearly two months.

Since the trial will decide the remedy, including the appropriateness of the GAC plant that is the subject of the §106 order, we request that EPA stay administratively all deadlines, timetables (and thus punitive aspects) of the order until the trial is complete and Judge Magnuson has rendered his decision. At that time, it may be that the order is moot or that the context in which remedial work is to be undertaken will have changed.

Very truly yours,

REILLY TAR & CHEMICAL CORPORATION

Robert Polack
Vice President & General Counsel

RP:BG

10

11